

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, AUGUST 24, 1976

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening August 24 A.D., 1976, in Regular Session. President James S. Stier in the chair, and Charles W. Westerman Clerk, at the desk, present the following members _____ viz:

BURNS /, HINGA /, HUNTER /,
MOSES /, NUCKOLS /, DONALD SCHMIDT /,
VIVIAN SCHMIDT /, STIER /, TALARICO /,

ABSENT _____

COUNCILMAN _____, _____, _____,
_____, _____, _____,

The invocation was given by Reverend Donald McCord
West Creighton Avenue Christian Church

Received report from the City Controller for the month of _____, 1976. Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last Regular August 10, 1976,
Special July 30, 1976,

Session having been delivered to the Council, were, on motion, approved and published.

MADE A MATTER OF RECORD
DATE 8/24/76 CHARLES W. WESTERMAN, CITY CLERK



FORT WAYNE, INDIANA 46802
office of the mayor

August 11, 1976

To the Common Council
Gentlemen and Mrs. Schmidt:

DATE 8/24/76 MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK
[Signature]

Today, August 11, 1976, I have approved the following ordinances passed by the Common Council at its regular meeting on August 10, 1976.

(Bill No. S-76-07-29)
SPECIAL ORDINANCE NO. S-140-76

AN ORDINANCE approving a contract with Allen County Motors for one sedan for the Water Engineering Department

(Bill No. R-76-08-01)
RESOLUTION NO. R-67-76

A RESOLUTION authorizing payment for repair of Vehicles

(Bill No. R-76-08-02)
RESOLUTION NO. R-68-76

A RESOLUTION transferring certain funds in the 1976 Budget of the Fort Wayne Humane Commission Department

(Bill No. G-76-06-28)
GENERAL ORDINANCE NO. G-24-76

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley

(Bill No. S-76-07-33)
SPECIAL ORDINANCE NO. S-141-76

AN ORDINANCE approving Change Order No. 1 in connection with Water Contract 74-XP-3

(Bill No. S-76-07-34)
SPECIAL ORDINANCE NO. S-142-76



AN ORDINANCE approving Change Order No. 3 in connection with Improvement Resolution 5693-1975

(Bill No. S-76-07-35)
SPECIAL ORDINANCE NO. S-143-76

AN ORDINANCE approving a contract with OLD FORT SUPPLY COMPANY for the Senior Citizen Center

(Bill No. S-76-07-36)
SPECIAL ORDINANCE NO. S-144-76

AN ORDINANCE approving Change Order No. 10 in connection with Division 1 of the Water Pollution Control Plant Expansion Project

(Bill No. S-76-07-37)
SPECIAL ORDINANCE NO. S-145-76

AN ORDINANCE approving a contract with General Electric Company for materials for the Street Lighting Department

(Bill No. S-76-07-38)
SPECIAL ORDINANCE NO. S-146-76

AN ORDINANCE approving a contract with Business Equipment and Shrex Office Supply for materials for the Office Service Department

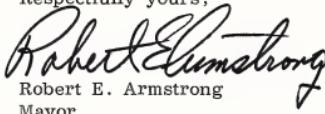
(Bill No. S-76-07-39)
SPECIAL ORDINANCE NO. S-147-76

AN ORDINANCE approving a contract with Allied Chemical Corporation for Liquid Aluminum for the Water Pollution Control Plant

(Bill No. R-76-08-08)
RESOLUTION NO. R-69-76

A RESOLUTION honoring Matt Vogel on his accomplishments as a Gold Medal Winner in the 21st Olympic Games

Respectfully yours,


Robert E. Armstrong
Mayor



FORT WAYNE, INDIANA 46802

office of the mayor

VETO MESSAGE

I, Robert E. Armstrong, Mayor of the City of Fort Wayne, hereby veto Salary Ordinance No. S 76-07-06, for the following reasons:

The City Attorney has advised me that it was illegal for the finance committee of the Common Council to make substantive changes in the Ordinance which I presented to the Common Council. I attach to this Veto a copy of the Indiana Attorney General's Opinion supplied to me by the City Attorney for your information.

In addition to the legal defect of the amendment by the finance committee, the Salary Ordinance is defective in that the Common Council is not permitted by State Law to increase salaries in the Ordinance which I presented. Common Council passed several increases in this ordinance.

In addition to that, Council eliminated the salary of the Director of Public Safety, therefore, hampering this Administration's ability to deal effectively with the problems of welfare and safety. The Director of Public Safety has under his supervision approximately one-third of all city employees, and basic management principles would dictate having a supervisor coordinate the work of seven departments and report directly to the Chief Executive.

The Salary Ordinance, which I presented to Council provided for a cost of living increase for all employees. The logic of a cost of living increase dictates that it be applied to all employees. Council applied such an increase to some employees and not to others. This, in effect, is not a cost of living increase, but simply a discriminatory job bonus.



The present complement of the Police Department provides for 319 policemen protecting the people of Fort Wayne. The Ordinance which I am vetoing today provides for 309 policemen, a reduction of 10 policemen. I do not believe that it was Council's intention to jeopardize the public safety of the people of Fort Wayne in this manner, and it is the Armstrong Administration's firm commitment to provide an adequate police force.

Finally, in a blatant political move, Council has reduced the salary of my principal aide in an obvious attempt to hamper the effectiveness of this Administration. This same Council paid the Democrat County Chairman for this same position substantially more during the time he held the position.

Signed this 13 day of August, 1976


Robert E. Armstrong
Mayor

OPINION 44

is not my intention to infer that a conflict does exist between any of the quoted sections and the statutes of Indiana, but in any event the statute would control.

It is stated in *The State of Indiana ex rel. Hunter v. Winterrowd, Building Inspector, et al.* (1910), 174 Ind. 592, 596, 91 N. E. 956, as follows:

" * * * The statute is paramount, and it is elementary that a municipal ordinance, so far as it conflicts with the statute law is void * * * "

Procedures for the adoption of the salary and/or budget ordinance having been provided for by statute, such statute will control.

Your question groups both the salary ordinance and the budget ordinance together, but separate procedures are provided for each. Also, it is assumed that the salary ordinance to which you refer is the one adopted annually for appointive officers and employees and not the salary ordinance adopted every four years for elected officers.

The Acts of 1933, Ch. 233, Sec. 20a, as added by the Acts of 1959, Ch. 107, Sec. 6, and found in Burns' (1963 Repl.), Section 48-1233, reads in part as follows:

"(b) The salaries of each and every appointive officer, employee, deputy, assistant and departmental and institutional head shall be fixed by the mayor subject to the approval of the common council: Provided, That the provisions of this subsection shall not apply to the manner of fixing and the amount of compensation paid by any city to the members of the police and fire departments. The common council may reduce but in no event is the common council authorized to increase any salary so fixed by the mayor. All such salaries shall be fixed on or before the first day of August of each year for the next succeeding fiscal year and shall not be increased or reduced during such fiscal year. Wherein the provisions of this subsection are in conflict with the provisions of section 10 of chapter 233 of the Acts of the Indiana General Assembly of 1933, as the same has been amended, such provisions shall be deemed to amend the provisions of section 10."

that Circular ST-31, *supra*, is contrary to law insofar as it does not give force and effect to the provision of Burns' 64-2334(b) (8), *supra*, which specifically accords to colleges and universities, whether state or private, exemption from tax liability under the Sales Tax Act for purchases and sales by them which are used "predominantly" for the purpose for which such organizations were granted exemption under Section 6 (I) of the Gross Income Tax Act. Until such time as the Legislature provides more specific standards for determining what purchases and sales by state and private colleges and universities are to be considered as exempt from the provisions of the Sales Tax Act, it is my opinion that Burns' 64-2334 (b) (8), *supra*, is applicable to all such universities, in that purchases and sales by them are exempt from the tax imposed by the Sales Tax Act to the extent that such are used by them predominantly for educational purposes.

OFFICIAL OPINION NO. 44

August 13, 1964

Hon. Anna Maloney
State Representative
131 East 5th Avenue
Gary, Indiana

Dear Representative Maloney:

You have requested my Official Opinion on the following question contained in your letter of August 5, 1964:

"* * * Can the Financial Committee of the Gary Common Council make revisions, changes, and amendments to the salary and/or budget ordinance submitted by the mayor of the City of Gary so long as such revisions, amendments, and changes do not represent increases in the amounts mentioned in said salary and/or budget ordinance? If so, can such changes, revisions, or amendments be made prior to the time said salary and/or budget ordinances are reported out of the committee for action by the full Council?"

In your letter requesting this Opinion, you have quoted certain sections of the Ordinances of the City of Gary. It

1964 O. A. G.

There being no duties to be performed by the finance committee provided for in this statute, such committee would not officially perform any function in connection with the adoption of the salary ordinance.

The Acts of 1905, Ch. 129, Sec. 81, as amended and found in Burns' (1963 Repl.), Section 48-1506, reads in part as follows:

"It shall be the duty of each executive department, at the time provided by law, to submit to the joint meeting of the heads of the departments and of the various boards, an estimate of the amount of money required for their respective departments for the ensuing fiscal year, stating with as great particularity as possible each item thereof. The controller shall at the same time submit an itemized statement or estimate of the city expenditures for other purposes, for the ensuing year, over and above the money proposed to be used by the various executive departments. After such meeting, and reports and consultation, the city controller shall proceed to revise such estimates for the ensuing year, and shall then prepare a report to the mayor of the various estimated amounts required, in such controller's opinion, for each executive department, and for other city expenses, together with an estimate of the necessary per cent of taxes to be levied. The mayor shall at the next meeting of the common council present such report with such recommendations as he may see fit. It shall be the duty of the committee of finance of the common council thereupon to prepare an ordinance fixing the rate of taxation for the ensuing year, and also an ordinance making appropriations by items for the use of the various executive departments and other city purposes for the ensuing year. Such ordinance may reduce any estimated item for any executive department, from the figure submitted in the report of the city controller, but shall not increase the same unless recommended by the mayor. Such appropriation ordinance shall thereafter be promptly acted upon by the common council
* * *

OPINION 45

This section provides that the finance committee shall prepare an ordinance and such ordinance may contain items which are decreased from those presented by the mayor to the common council. It then becomes the duty of the common council to adopt such ordinance in the amounts that they see fit subject to statutory restrictions on increases or decreases. In connection with the power of the common council, my 1956 O. A. G., page 228, No. 52, may be of interest to you as being involved in this general subject.

In summary hereof, it is my opinion that the finance committee has no power or duties in connection with the salary ordinance adopted for appointive officers and employees of the city, except the perfunctory process of considering salary amounts in fixing the tax levy. But in preparing a budget ordinance they may reduce any item, from the amount contained in the report of the mayor, except where such item concerns salaries as set by the salary ordinance.

OFFICIAL OPINION NO. 45

August 25, 1964

Hon. Spencer J. Schnaitter
State Representative
K of P Building
Madison, Indiana

Dear Representative Schnaitter:

This is in response to your letter of August 10, 1964, wherein you request an Official Opinion relative to the time limitation contained in the Acts of 1959, Ch. 107, Sec. 6, as found in Burns' (1963 Repl.), Section 43-1233.

Your specific question is stated in the following paragraph of your letter:

"In light of the above statute, we would appreciate your official opinion as to whether a city council may enact such an ordinance to fix salaries of the next elected city officials, effective January 1, 1968, now or anytime before April 1, 1967, or is the council's

MADE A MATTER OF RECORD

DATE 7/18/76 CHARLES W. WESTERMAN, CITY CLERK

FOR IMMEDIATE RELEASE AUGUST 15, 1976

Ces
RELEASED BY JAMES S. STIER, PRESIDENT OF THE COMMON COUNCIL AND VIVIAN G. SCHMIDT,
STANDING CHAIRWOMAN OF FINANCE.

JOINT STATEMENT BY JAMES S. STIER, PRESIDENT OF THE FORT WAYNE COMMON COUNCIL,
AND VIVIAN G. SCHMIDT, CHAIRWOMAN OF THE FINANCE COMMITTEE OF THE FORT WAYNE
COMMON COUNCIL:

ON FRIDAY, AUGUST 13, MAYOR ROBERT E. ARMSTRONG VETOED THE 1977 CIVIL CITY
SALARY ORDINANCE WHICH WAS PASSED BY THE COMMON COUNCIL ON JULY 30. THE MAYOR'S
VETO MESSAGE AND REMARKS TO THE NEWS MEDIA CONTAIN STATEMENTS WE WOULD LIKE TO
COMMENT UPON.

1. THE 1977 SALARY ORDINANCE WAS PRESENTED TO THE COMMON COUNCIL ON JULY 13,
1976, BY THE MAYOR, AND WAS INTRODUCED AT THAT TIME INTO THE FINANCE COMMITTEE.
ALL LEGISLATION PRESENTED TO THE COUNCIL IS PLACED IN A COMMITTEE IN ORDER THAT
IT BE CAREFULLY STUDIED BEFORE PASSAGE. IT IS THE RESPONSIBILITY OF ANY COMMITTEE
TO RECOMMEND CHANGES TO PENDING LEGISLATION, IF AMENDMENTS ARE IN ORDER. WHEN
AMENDMENTS ARE PROPOSED BY A COMMITTEE, THE ENTIRE COUNCIL ALWAYS HAS THE
OPPORTUNITY TO APPROVE OR DISAPPROVE SUCH AMENDMENTS WHEN THE BILL REACHES THE
FLOOR FOR A VOTE. LIKE ALL FINANCE LEGISLATION, THE SALARY ORDINANCE WAS STUDIED
IN THE FINANCE COMMITTEE. EIGHT OF THE NINE MEMBERS OF COMMON COUNCIL ATTENDED
THE COMMITTEE MEETINGS AND OPEN DEBATE AND DISCUSSION WAS ENCOURAGED BY THE CHAIR.
THE BILL WAS RECOMMENDED TO BE AMENDED IN COMMITTEE AND WAS BROUGHT TO THE COUNCIL
FLOOR ON JULY 30 WHERE IT WAS APPROVED, AS AMENDED, BY A 6-2 MARGIN. THE MAYOR
IN HIS VETO MESSAGE RELIES UPON AN OPINION BY THE CITY ATTORNEY THAT THE FINANCE
COMMITTEE ACTED ILLEGALLY IN MAKING CHANGES TO THE SALARY ORDINANCE WHICH THE
MAYOR SUBMITTED. HE CITES IN SUPPORT OF THIS AN ATTORNEY GENERAL'S OPINION NO. 44,
DATED AUGUST 13, 1964. THIS OPINION DEALS WITH A SPECIFIC QUESTION AS TO THE
LEGALITY OF THE FINANCE COMMITTEE OF THE GARY COMMON COUNCIL TO MAKE RESTRICTIONS,

CHANGES AND AMENDMENTS TO SALARY AND BUDGET ORDINANCES SUBMITTED BY GARY'S MAYOR. WE BELIEVE THAT THE COMMON COUNCIL HAS THE AUTHORITY AND THE DUTY TO ADOPT A SALARY ORDINANCE EACH YEAR, AND WE BELIEVE THAT THE FINANCE COMMITTEE HAS NO POWER TO DO OTHER THAN CONDUCT HEARINGS AND RECOMMEND AMENDMENTS TO BE VOTED UPON BY THE ENTIRE COUNCIL. SINCE THE PROCEDURE FOLLOWED IN ENACTING THE SALARY ORDINANCE WAS EXACTLY THAT USED IN ENACTING ALL LEGISLATION, WE BELIEVE THAT THE FINDINGS OF THE CITY ATTORNEY ARE ERRONEOUS AND THAT THE ATTORNEY GENERAL'S OPINION OF 1964 QUOTED BY THE MAYOR IS CLEARLY INAPPLICABLE.

2. THE MAYOR STATES THAT THE SALARY ORDINANCE IS ILLEGAL BECAUSE THE COMMON COUNCIL SET SALARIES HIGHER THAN HIS RECOMMENDED MAXIMUMS. AT THE TIME THE COMMON COUNCIL AGREED TO SET SALARY INCREASES FOR 1977 AT 4% PLUS \$150 FOR PAY GRADES 1-14, IT WAS APPARENT THAT APPROXIMATELY FOUR PEOPLE IN THE SALARY ORDINANCE WOULD, UNDER THE COUNCIL'S PAY FORMULA, RECEIVE A 1977 WAGE HIGHER THAN THE MAXIMUMS LISTED IN THE ORDINANCE SENT DOWN BY THE MAYOR. BECAUSE THE MAYOR, BY LAW, IS UNDER NO OBLIGATION TO PAY ANYONE ON THE CIVIL CITY PAYROLL THE TOTAL AMOUNT LISTED FOR A SPECIFIC JOB TITLE IN THE SALARY ORDINANCE, THE COUNCIL DECIDED TO APPLY THE FORMULA EVENLY AND FAIRLY THUS PERMITTING THE MAYOR TO LOWER THE SALARIES OF THOSE FEW PERSONS TO FIT HIS GUIDELINES. (SEE IC 18-2-1-10) OVERALL THE APPLICATION OF THE COMMON COUNCIL PAY FORMULA OF 4% PLUS \$150 HAS RESULTED IN A CONSIDERABLE DECREASE IN THE SALARY LINES SHOWN IN THE MAYOR'S 1977 CITY BUDGET.

3. THE BUDGET SUBMITTED BY THE MAYOR IS APPROXIMATELY \$2.7 MILLION OVER THE AMOUNT ALLOWABLE IN THE FROZEN TAX LEVY OF \$3.59/100. BUDGET HEARINGS ARE PRESENTLY IN PROGRESS AND THE COUNCIL IS MAKING PROGRESS TOWARD REDUCING THE BUDGET TO A PERMISSABLE AMOUNT. EVERY POSITION AND EVERY BUDGET LINE IS BEING CAREFULLY EXAMINED. POSITIONS WHICH ARE UNNECESSARY MUST BE CUT. SALARIES WHICH ARE TOO HIGH MUST BE REDUCED. SERVICES MUST BE SCRUTINIZED TO DETERMINE WHETHER OR NOT

WE ARE GETTING ALL WE PAY FOR, AND WHETHER OR NOT COSTS CAN POSSIBLY BE LESSENED. IT IS THE BELIEF OF THE MAJORITY OF THE COMMON COUNCIL THAT THE POSITIONS OF DIRECTOR OF PUBLIC SAFETY AND ADMINISTRATIVE ASSISTANT TO THE MAYOR CAN BE REDUCED WITHOUT DISRUPTING THE OPERATION OF GOVERNMENT. BECAUSE OF RISING COSTS AND STATIC INCOME WE ARE FACING A SITUATION IN WHICH ALL EXPENDITURES MUST BE SCRUTINIZED CRITICALLY. IT IS PAINFUL TO CUT PERSONNEL AND SERVICES BUT THERE IS NO ALTERNATIVE IF WE ARE TO KEEP TAXES DOWN TO AN ACCEPTABLE LEVEL.

4. THE MAYOR STATES THAT THE \$150 BONUS IS GIVEN IN A DISCRIMINATORY MANNER. THE BONUS OF \$150 PER EMPLOYEE FOR 1977 IS GIVEN BY THE COMMON COUNCIL ACROSS THE BOARD FOR EMPLOYEES IN PAY GRADES 1-15. IN AN ATTEMPT TO SOMEWHAT EQUALIZE THE EFFECT OF A STRAIGHT 4% INCREASE (A PERSON MAKING \$12,000 GETS, AT 4%, A LARGER RAISE THAN A PERSON MAKING \$8,000) IT WAS AGREED THAT A \$150 BONUS WOULD BE MOST BENEFICIAL TO THOSE ON THE LOWER END OF THE PAY SCALE. THE DETERMINATION NOT TO GIVE A BONUS TO EMPLOYEES ABOVE GRADE 15 WAS MADE IN AN EFFORT TO TRIM OVERALL COSTS. MOST PERSONS AT THE TOP PAY LEVELS ENTERED THE CITY PAYROLL FOR THE FIRST TIME AT THOSE HIGH LEVELS IN JANUARY 1976, AND IT IS BELIEVED BY THE COMMON COUNCIL THAT THOSE SALARIES ARE ADEQUATE UNTIL JANUARY 1978.

5. THE MAYOR STATES THAT THE COMMON COUNCIL IN THE SALARY ORDINANCE IS REDUCING THE POLICE FORCE. THE COUNCIL HAS NO INTENTION OF REDUCING FORT WAYNE'S POLICE FORCE, AND SUCH A REDUCTION CAN NEVER BE ACCOMPLISHED IN A SALARY ORDINANCE. A SALARY ORDINANCE IS A DOCUMENT WHICH STATES THE JOB TITLE, LABOR GRADE AND SALARY OF EACH AVAILABLE JOB ON THE CITY PAYROLL. IT IS IN THE BUDGET THAT MONEY IS ALLOCATED TO FUND THE NUMBERS OF PEOPLE WHO CARRY A CERTAIN JOB TITLE. AT PRESENT THERE ARE 309 PEOPLE ON THE POLICE FORCE, 166 OF THEM CLASSIFIED AS PATROLMEN. THE SALARY ORDINANCE STATES THIS, BY INDICATED FOR REFERENCE THE NUMBERS OF PERSONNEL IN EACH JOB TITLE ON THE PAYROLL AS OF JULY 1, 1976. A FULL COMPLEMENT OF POLICE EQUALS 319 OFFICERS AND THE COMMON COUNCIL WILL PROVIDE ADEQUATELY FOR AT LEAST THAT NUMBER IN THE BUDGET.

THE FINANCE COMMITTEE AND THE OTHER MEMBERS OF THE COMMON COUNCIL KNOW THAT THE SALARY ORDINANCE IS A LEGAL DOCUMENT. IT PROVIDES REASONABLE AND FAIR REMUNERATION TO CITY EMPLOYEES AND IT PRUDENTLY TAKES INTO CONSIDERATION THE NEED FOR RESTRAINT IN SPENDING. IT IS FAR BETTER THAN THE BILL FIRST PRESENTED BY THE MAYOR. THE MAYOR'S ORDINANCE LISTED ONLY 20 SALARIES, ONE FOR EACH OF THE 20 LABOR GRADES. IT DID NOT IN ANY WAY SET A SPECIFIC SALARY MAXIMUM FOR EACH JOB TITLE. BECAUSE THE STATE BOARD OF ACCOUNTS LAST YEAR DECREED THAT THE SALARY REVIEW BOARD PROCEDURE USED IN PREVIOUS YEARS IS NOT ALLOWABLE UNDER STATE STATUTE, THE COMMON COUNCIL MUST ENACT AN ORDINANCE WHICH FIXES AN EXACT SALARY MAXIMUM FOR EACH AND EVERY JOB TITLE ON THE CITY PAYROLL. IT IS APPARENT THAT THE MAYOR DOES NOT UNDERSTAND THE ROLE OF THE LEGISLATIVE BODY OF CITY GOVERNMENT. THE COMMON COUNCIL HAS ACTED IN A TOTALLY RESPONSIBLE MANNER IN PASSING THE 1977 SALARY ORDINANCE. WE ARE REQUIRED BY LAW TO DO EXACTLY WHAT WE HAVE DONE, AND WE WILL CONTINUE TO FOLLOW THE SAME RATIONAL PROCEDURE IN THE YEARS AHEAD.



THE CITY OF FORT WAYNE
COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

August 16, 1976

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on One (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-75-12-45

Respectfully submitted,
CITY PLAN COMMISSION

Certified and signed this
16th day of August, 1976.

Joseph N. Adair
Secretary





THE CITY OF FORT WAYNE
COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

August 16, 1976

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held March 22, 1976. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance.

1. Bill No. Z-75-12-45
2. From "R3" to "B3B"
3. Intended Use: Court Rooms of America - Racquetball Club
4. Plan Commission Recommendation: DO PASS, with condition

This ordinance received a DO PASS recommendation for the following reason:

- a) This request is valid, however, we feel that in order to maintain the present types of uses in the area, it is important that this request be granted only if a restrictive covenant is submitted that permits recreational uses only and none of the other commercial uses normally permitted in a "B3B" District be permitted.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning
and Zoning

Gary F. Baeten (P.M.)
Gary F. Baeten
Land Use Administrator

GFB:Pr
ATT.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 23, 1975, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-75-12-45; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 15, 1976;

NOW THEREFORE BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall city plan;

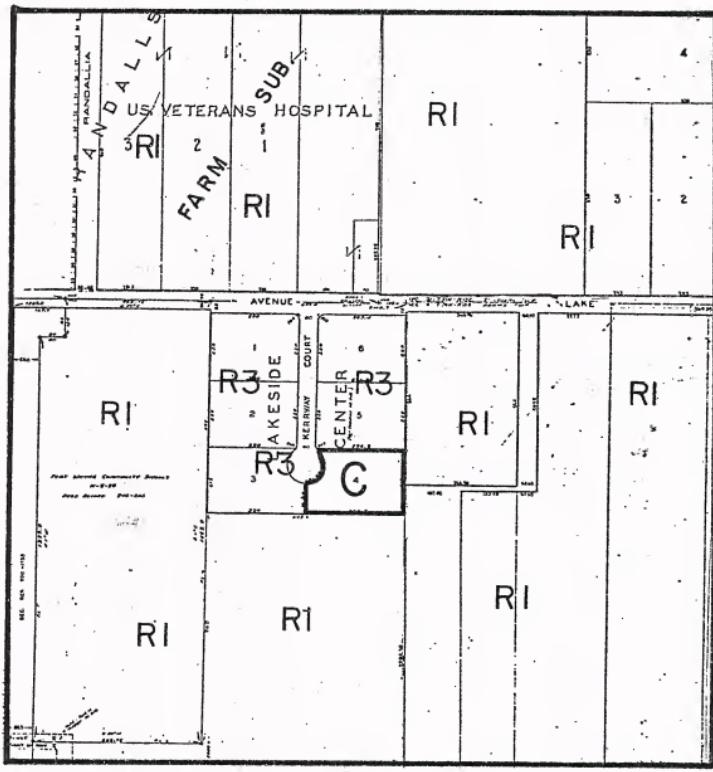
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 22, 1976.

Certified and signed this
16th day of August, 1976.



Joseph N. Adair
Secretary



"C" CHANGE FROM R3 TO B3B

R-75-12-48



COURT ROOMS
OF AMERICA

RACQUETBALL
HANDBALL

August 11, 1976

Mr. Gary F. Baeten
Land Use Administrator
Community Development and Planning
Division of Long Range Planning
and Zoning
The City of Fort Wayne
Fort Wayne, Indiana

Re: Bill No. Z-75-12-45
From "R3" to "B3B"

Dear Mr. Baeten:

Pursuant to your regular City Plan Commission meeting held March 22, 1976 concerning the rezoning of Lot Number 4 in Lakeside Office Center, the Court Rooms of America, Inc. does hereby agree to restrict the use of the aforementioned property to recreational uses only.

However, the property owner does reserve the right to appear before the City Plan Commission at a later date to request said commission to consider alternative uses for the property should the need arise.

Sincerely,

COURT ROOMS OF AMERICA, INC.

Daniel L. Roberts
President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State aforesaid, this 11th day of August, 1976, personally appeared the above named Court Rooms of America, Inc., by Daniel L. Roberts, its President, to me known to be such officer of said corporation.

Witness my hand and Official Seal.

My Commission expires:

October 26, 1979

Vicki S. Springer
Notary Public

CLUB ADDRESS: 1404 KERRWAY COURT • FORT WAYNE, INDIANA 46805 • PHONE: 219/743-4350
BUSINESS ADDRESS: 4646 U.S. HIGHWAY 24 WEST • FORT WAYNE, INDIANA 46804 • PHONE: 219/432-8551



THE CITY OF FORT WAYNE
COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

August 24, 1976

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-76-07-31

Respectfully submitted,
CITY PLAN COMMISSION

Certified and signed this
24th day of August, 1976.

Joseph N. Adair
Secretary





THE CITY OF FORT WAYNE
COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

August 24, 1976

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held August 23, 1976. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance.

1. Bill No. Z-76-07-31
2. From "B1B" to "B3B"
3. Intended Use: Motorcycle repair shop
4. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

- a. The existing character of the immediate area is already commercial. The Dennie Ditch appears to create a natural boundary between commercial and residential uses along the Lower Huntington Road west of the Winchester Road.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning
and Zoning

Gary F. Baeten (pr)

Gary F. Baeten
Land Use Administrator

GFB:Pr
ATT.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 27, 1976, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-76-07-31; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

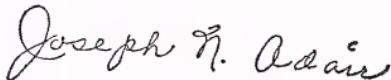
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 16, 1976;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

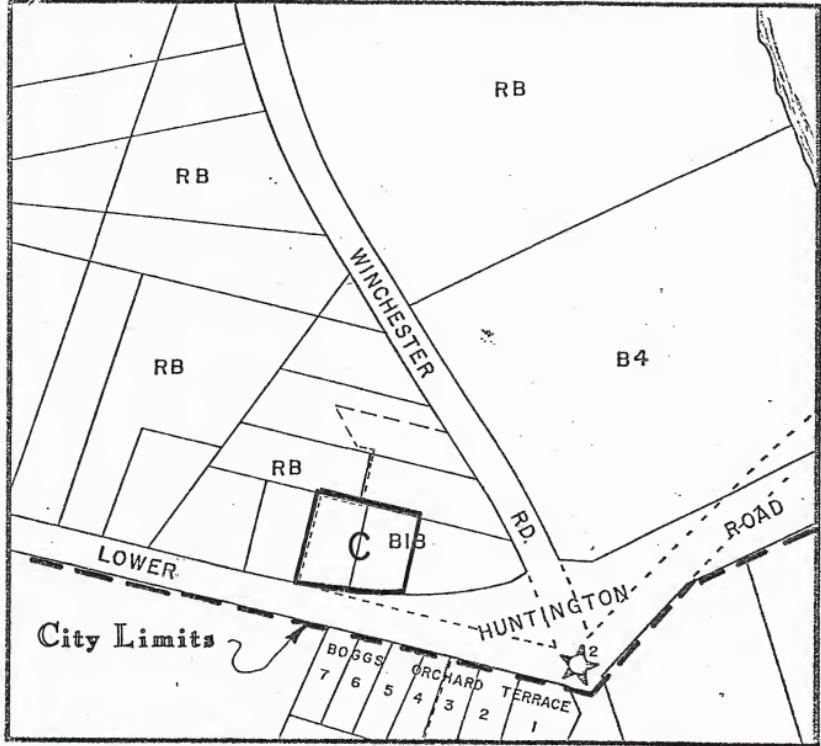
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 23, 1976.

Certified and signed this
24th day of August, 1976.



Joseph N. Adair
Secretary



"C" CHANGE FROM BIB TO A B3B

MAP AA-14
DATE DRAWN 7-14-76
DRAWN BY R.K.

2-7607-31





THE CITY OF FORT WAYNE

COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

August 24, 1976

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) vacation ordinance concerning the vacation of the following described dedicated utility easement.

The east 8.0 feet of Lot # 21 and the East 8.0 feet of Lot # 20 except the North 224.0 feet thereof; also the West 8.0 feet of Lot # 22 and the West 8.0 feet of Lot # 23 except the North 429.52 feet thereof in Hanna-Creighton Subdivision Section II as recorded in Plat Book 31, Page 89.

Respectfully submitted,
CITY PLAN COMMISSION

Certified and signed this
24th day of August, 1976.

Joseph N. Adair
Secretary





THE CITY OF FORT WAYNE

COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

August 24, 1976

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to the vacation of a Dedicated Utility Easement, acted upon by the City Plan Commission, at their regular meeting held August 23, 1976. In addition to the reasons outlined in the resolution, the following are addition remarks pertaining to the ordinance.

1. Bill No. G-76-07-16
 2. Intended Use: The dedicated utility easement, as it now exists, lies within the Hanna-Creighton Urban Renewal Project (IND. R-51) and said dedicated utility easement is no longer needed.
 3. Plan Commission Recommendation: DO PASS
- This vacation ordinance received a DO PASS recommendation for the following reason:
- a. This utility easement serves no useful purpose at this time.

If there are any questions with regard to this ordinance, please feel free to call on us.

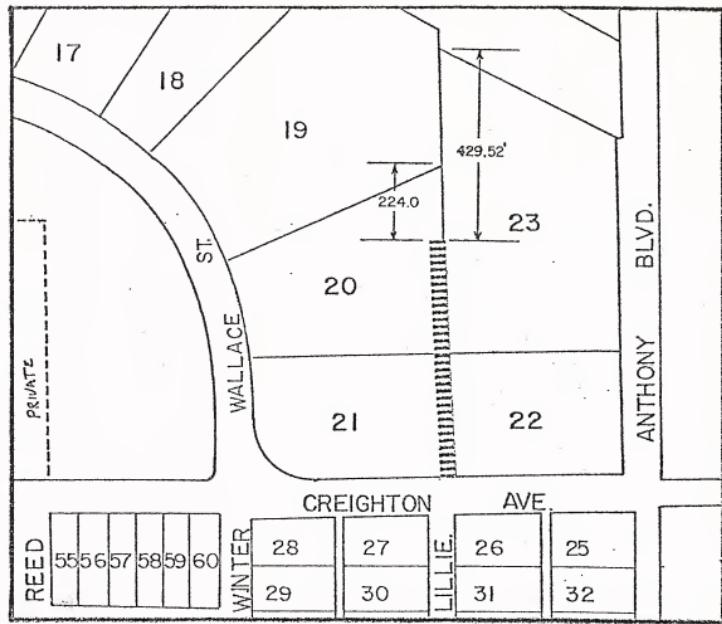
Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning
and Zoning


Gary F. Baeten
Land Use Administrator

GFB:pr
ATT.





||||| Vacation for Utility Easement

9-15-75

C-2

L.S.

REVISED 6/30/76 L.B.

R E S O L U T I O N

WHEREAS, Lincoln Chapman Enterprises, Inc., has petitioned and requested the Fort Wayne City Plan Commission to hold a Public Hearing upon the vacation of the following dedicated utility easement in Allen County, Indiana, to-wit:

The East 8.0 feet of Lot #21 and the East 8.0 feet of Lot #20 except the North 224.0 feet thereof; also the West 8.0 feet of Lot #22 and the West 8.0 feet of Lot #23 except the North 429.52 feet thereof in Hanna-Creighton Subdivision Section II as recorded in Plat Book 31, Page 89

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. § 53-744 (Burns 1964 Repl. Ed.); and

WHEREAS, notice of such Public Hearing has been given by due and proper publication thereof; and

WHEREAS, said Public Hearing was held on _____ at 7:30 P.M. o'clock, and at such Hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana and the Hanna-Creighton Urban Renewal Plan recorded in Miscellaneous Record 284, pages 235-244.

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement herebefore described be and the same is hereby approved.

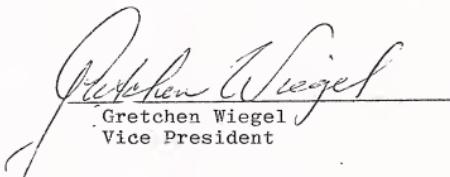
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of utility easements in Allen County, Indiana.

STATE OF INDIANA)
)
COUNTY OF ALLEN)

I, Gretchen Wiegel, Vice President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true, and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a Public Hearing of said Commission held on Monday, August 16, 1976, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 23rd DAY OF August, 1976.

FORT WAYNE CITY PLAN COMMISSION



Gretchen Wiegel
Gretchen Wiegel
Vice President

PETITION TO VACATE DEDICATED UTILITY EASEMENT

TO: CITY PLAN COMMISSION
CITY OF FORT WAYNE

BOARD OF PUBLIC WORKS
CITY OF FORT WAYNE

Gentlemen:

The Fort Wayne Redevelopment Commission does hereby petition the City Plan Commission of the City of Fort Wayne to vacate the following dedicated utility easement located within the City of Fort Wayne, Indiana and described as follows:

The East 8.0 feet of Lot #21 and the East 8.0 feet of Lot #20 except the North 224.0 feet thereof; also the West 8.0 feet of Lot #22 and the West 8.0 feet of Lot #23 except the North 429.52 feet thereof in Hanna-Creighton Subdivision Section II as recorded in Plat Book 31, Page 89

Your Petitioner represents that:

- (1) The Redevelopment Commission owns real estate abutting on the east and west of said dedicated utility easement sought to be vacated.
- (2) That the dedicated utility easement, as it now exists, lies within the Hanna-Creighton Urban Renewal Project (IND. R-51) and said dedicated utility easement is no longer needed.
- (3) That the maintenance of said utility easement is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof, as well as the immediately adjoining property owners that said dedicated utility easement be vacated as prayed.

Your petitioners file this petition pursuant to the authority granted in Burns Indiana Statutes Annotated, Section 53-744, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described dedicated utility easement be vacated according to the provisions of the Indiana law pertaining thereto.

Dated this 23rd day of June, 1976.

FORT WAYNE REDEVELOPMENT COMMISSION

By Leonard M. Weinraub
Leonard M. Weinraub, President

August 10, 1976

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety
Regulatory Resolution Numbers: 67/76/E.

For the purpose of enforcement, please make this communication and the
attached Regulatory Resolutions a matter of record and incorporate them
into the minutes of the next Common Council Meeting.

Respectfully submitted,

Albert F. Hysler
Director of Public Safety

DATE 8/11 MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

REGULATORY RESOLUTION NO~~5~~⁷/76 /E

(Adopted August 10, 19 76)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No.G -55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to NO PARKING (EMERGENCY) DELETE: TWO HOUR
PARKING 8:00 AM - 6:00 PM (EMERGENCY)

; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated August 9, 19 76, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne. Indiana 1946, as amended by General Ordinance No G -55. adopted FEB. 14, 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective August 10,

19 76, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING (EMERGENCY)

Webster St. -- west side -- from Douglas Ave. to 160 ft. south thereof.

DELETE:

TWO HOUR PARKING 8:00 AM - 6:00 PM (EMERGENCY)

Webster St. -- west side -- from Douglas Ave. to 160 ft. south thereof.

RETURN CERTIFICATE

(REGULATORY RESOLUTION NO. 67/76/E)

I hereby certify that I did this 10 day of August, 1976 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk, and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No.67/76/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55. Adopted Feb. 14, 1961.

John C. Lewellen

EXECUTIVE SECRETARY

August 13, 1976

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety
Regulatory Resolution Numbers: 68/76/E.

For the purpose of enforcement, please make this communication and the
attached Regulatory Resolutions a matter of record and incorporate them
into the minutes of the next Common Council Meeting.

Respectfully submitted,

Charles W. Westerman
Director of Public Safety

DATE 8/24 MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

REGULATORY RESOLUTION NO. 68/E /E

(Adopted August 13, 19 76)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No.G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to SPEED LIMIT 45 MPH (EMERGENCY)

DELETE: SPEED LIMIT 50 MPH (EMERGENCY)

; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated August 13, 19 76, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective August 13,

19 76, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

SPEED LIMIT 45 MPH (EMERGENCY)

Clinton St. -- northbound -- from Coliseum Blvd. to St. Joe Center Rd.

Clinton St. -- southbound -- from Washington Center Rd. to Coliseum Blvd.

DELETE:

SPEED LIMIT 50 MPH (EMERGENCY)

Clinton St. -- northbound -- from Coliseum Blvd. to St. Joe Center Rd.

Clinton St. -- southbound -- from Washington Center Rd. to Coliseum Blvd.

RETURN CERTIFICATE

(REGULATORY RESOLUTION NO. 68/76/E)

I hereby certify that I did this 13 day of August, 1976
deliver to each, the City Traffic Engineer, the Chief of Police, the City
Attorney, the City Clerk, and the President of the Common Council of the City
of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolu-
tion No. 68/76/E of the Board of Public Safety of the City of Fort Wayne,
duly certified by me as Secretary of said Board, in accordance with the pro-
visions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort
Wayne, Indiana 1946, as amended by General Ordinance G-55. Adopted Feb. 14, 1961.

EXECUTIVE SECRETARY

CALL, CONSENT AND WAIVER OF NOTICE OF A SPECIAL
MEETING OF THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA, TO BE HELD
MONDAY, AUGUST 30, 1976 -- 7:00 O'CLOCK P.M., E.S.T.
ROOM 126 - COUNCIL CHAMBERS

We, the undersigned, being all of the members of the Common Council
of the City of Fort Wayne, Indiana do hereby call a special meeting of said Council
to be held on MONDAY, AUGUST 30, 1976 at 7:00 o'clock P.M.,
E.S.T. and jointly and severally waive notice of the time, place and purpose of
said meeting and consent that same be held on the aforesaid date for the purpose of
placing for action and passage of Bills No. :

Bill No. A-76-07-26 (AS AMENDED)
Bill No. A-76-07-27 (AS AMENDED)
Bill No. S-76-07-42 (AS AMENDED)

These bills are in regard to the Budget of the City of Fort Wayne, Indiana, for the
year 1977 and the tax levy for the City of Fort Wayne, Indiana for the year 1977.

James J. Stue
William T. Zinga
John Tuckel
DSD
Frank R. Hunter

Paul D. Brown
Vivian G. Schmidt
Samuel L. Talavico
Levi D. Young Jr.

DATED THIS

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 24th day of August, 1976; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 1976.

Charles W. Westerman
City Clerk